IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 2304 of 2005

Between:

M/s. A.V.Rao & Co., HPC Dealer, D.No.11-23-1781/1,
Desaipet Road, Warangal rep.by its Managing partner, A.Rama Rao,
S/o.Venkateswara Rao, R/o.Desaipet Road, Warangal, Warangal District.

..... PETITIONER

AND

1 The Joint Collector (C.S) Warangal, Warangal District.
2 The Director of Civil Supplies, Erramanzil, Civil Supplies Bhavan,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the order dated 15-12-2004 in No.F4/1393/1995 passed by 1st respondent and also the action of the 2nd respondent in not passing order either in the application filed along with an appeal to stay the operation of order dated 15-12-2004 or in the main appeal filed against the order dated 15-12-2004 passed by the 1st respondent as illegal and arbitrary.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing on behalf of the respondents and with their consent the writ petition is taken up for disposal at the stage of admission.

This writ petition is filed seeking to declare the order dated 15-12-2004 passed by respondent No.1 in F4/1393/1995 cancelling the Form B licence No.44 issued in favour of the petitioner, and also the action of respondent No.2 in not passing order either in the stay petition or in the main appeal filed against the order dated 15-12-2004 of respondent No.1, as illegal and arbitrary.

It is stated that by the impugned order dated 15-12-2004, respondent No.1 cancelled the wholesale kerosene licence of the petitioner on the ground that the petitioner contravened the provisions of A.P. Petroleum Products (L&RS) Order, 1980 and also the conditions of Form B licene issued thereunder.

This court on 04-7-2005 granted interim suspension of the impugned order dated 15-12-2004 pending disposal of the writ petition.

Respondent No.1 filed counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition. It is stated that inasmuch as the petitioner violated the conditions of the licence and indulged in diversion of 11900 litres of PDS kerosene and was caught red handed by the Revenue Divisional Officer, Karimnagar, its licence in Form B has been cancelled in accordance with the provisions of A.P. Petroleum Products (L&Rs) Orders, 1980.

It is submitted by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Civil Supplies that against the impugned order dated 15-12-2004 the petitioner filed an appeal before respondent No.2-Director of Civil Supplies, Hyderabad on 18-12-2004 and the same is still pending. The learned Government Pleader submitted that the post of the Director of Civil Supplies, Hyderabad is vacant and the Commissioner of Civil Supplies, A.P., Hyderabad is in-charge of the said post.

Under the circumstances, without going into the merits of the case, I deem it appropriate to direct the Commissioner of Civil Supplies, A.P., Hyderabad, who is in-charge of the post of the Director of Civil Supplies, Hyderabad to pass appropriate final orders in accordance with law in the appeal filed by the petitioner against the impugned order of respondent No.1, dated 15-12-2004. Till such time, the interim order passed by this Court on 04-7-2005 shall continue.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 28-4-2005

Svv

.....ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector (C.S) Warangal, Warangal District.
2 The Director of Civil Supplies, Erramanzil, Civil Supplies Bhavan, Hyderabad.

3 Two Ccs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad (OUT).

4 Two CD copies

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